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Re: Page 23, Embdesp 102, July 21; Deptel 906, Nov. 16, 1960.

In view of tremendous change which has taken place in political and psychological atmosphere in Germany, as result of development Berlin crisis, I inquired at FocOff [X] October 11 whether any thought [X] being given, when new Parliament and Government get going, to emergency legislation of kind which heretofore politically not achievable and which might however replace present plan calling for action by three Allied Ambassadors. I stressed that this was purely "personal" inquiry, but that I was sure State Department would be interested to know what, if any, thought was being given to this problem.

[X] replied that there had in fact been some recent discussion of this problem within FedGov, and that, he understood, Chancellor Adenauer plans to raise it with Lander Minister Presidents when he meets with them at end of October. [X] under impression that new Government may in fact attempt to get new legislation through Parliament, and also added that there was now some belief in official circles, that under conditions of emergency, Government might even be able to declare State of Emergency by decree, at least pending subsequent "rush" legislation.

- This same question also raised October 11 by EmbOff [X]

[X] commented that there is still serious question whether new Parliament will accomplish anything, since SPD concurrence essential, and that, in any case, CDU/CSU would have to first discuss with SPD following constitution now Bundestag, before Government could decide re feasibility. (Embassy Comment) [X] argument based of course upon assumption that SPD will not be included in new Government.)

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We shall continue to follow up on and report developments in this matter.

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